

published as required by the Constitution and existing laws of the State.

SEC. 5. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated to pay the expenses of said publication and election.

[NOTE.—S. J. R. No. 6 passed the Senate, May 7, 1935, by a vote of 28 yeas, 1 nay; passed the House, May 3, 1935, by a vote of 108 yeas, 0 nays.]

Filed in Department of State, May 11, 1935, without the Governor's signature.

PROPOSING AN AMENDMENT TO CONSTITUTION PROVIDING FOR BOARD OF PARDONS AND PAROLES AND RELATING TO POWER OF GOVERNOR TO GRANT REPRIEVES, COMMUTATIONS OF PUNISHMENT AND PARDONS.

S. J. R. No. 26.]

SENATE JOINT RESOLUTION.

Senate Joint Resolution No. 26 Proposing an amendment to Section 11 of Article IV of the Constitution of the State of Texas, so as to provide for a Board of Pardons and Paroles, composed of three members, whose terms of office shall be for a period of six years, one to be appointed by the Governor, one by the Chief Justice of the Supreme Court of the State of Texas, and one by the presiding Justice of the Court of Criminal Appeals, such appointments to be with the advice and consent of two-thirds of the Senate present; and so as to provide that the Governor of the State shall have the power on the recommendation and advice of the majority of the Board of Pardons and Paroles to grant reprieve, commutations of punishment and pardons and to remit fines and forfeitures, and, with the advice and consent of the Legislature, to grant reprieves, commutations of punishment and pardons in cases of treason; and to provide that the Governor shall have power to grant one reprieve in any capital case not to exceed thirty (30) days; and shall have the power to revoke paroles and conditional pardons; and to provide that the Legislature shall have authority to regulate procedure before the Board and to enact parole laws; and to provide for an election for such proposed constitutional amendment, and to make an appropriation therefor.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. That Section 11 of Article IV of the Constitution of the State of Texas be amended so as hereafter to read as follows:

"Section 11. There is hereby created a Board of Pardons and Paroles, to be composed of three members, who shall have been

resident citizens of the State of Texas for a period of not less than two years immediately preceding such appointment, each of whom shall hold office for a term of six years; provided that of the members of the first board appointed, one shall serve for two years, one for four years and one for six years from the first day of February, 1937, and they shall cast lots for their respective terms. One member of said Board shall be appointed by the Governor, one member by the Chief Justice of the Supreme Court of the State of Texas, and one member by the presiding Justice of the Court of Criminal Appeals; the appointments of all members of said Board shall be made with the advice and consent of two-thirds of the Senate present. Each vacancy shall be filled by the respective appointing power that theretofore made the appointment to such position and the appointive powers shall have the authority to make recess appointments until the convening of the Senate.

In all criminal cases, except treason and impeachment, the Governor shall have power, after conviction, on the written signed recommendation and advice of the Board of Pardons and Paroles, or a majority thereof, to grant reprieves and commutations of punishment and pardons; and under such rules as the Legislature may prescribe, and upon the written recommendation and advice of a majority of the Board of Pardons and Paroles, he shall have the power to remit fines and forfeitures. The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed thirty (30) days; and he shall have the power to revoke paroles and conditional pardons. With the advice and consent of the Legislature, he may grant reprieves, commutations of punishment and pardons in cases of treason.

The Legislature shall have power to regulate procedure before the Board of Pardons and Paroles and shall require it to keep record of its actions and the reasons therefor, and shall have authority to enact parole laws."

SEC. 2. The foregoing constitutional amendment shall be submitted to the electors of this State who are qualified to vote on proposed constitutional amendments at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1936, at which election each ballot shall have printed thereon the words:

"For the amendment of Section 11 of Article IV of the Constitution of the State of Texas, so as to provide for a Board of Pardons and Paroles, and to make the Governor's pardoning power subject to recommendation of said Board, except in cases of treason the Governor may grant reprieves, commutations and pardons with the advice and consent of the Legislature.

"Against the amendment of Section 11 of Article IV of the Constitution of the State of Texas, so as to provide for a Board of Pardons and Paroles, and to make the Governor's pardoning

power subject to recommendation of said Board, except in cases of treason the Governor may grant reprieves, commutations and pardons with the advice and consent of the Legislature."

Each voter shall strike out with pen or pencil the clause which does not indicate his desire regarding the above proposed amendment.

SEC. 3. The Governor is hereby directed to issue the necessary proclamation for said election, and to have the above proposed amendment published in the manner and for the time required by the Constitution and laws of this State.

SEC. 4. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated to pay the expenses of such publication and election.

[NOTE.—S. J. R. No. 26 passed the Senate, May 11, 1935, by a vote of 22 yeas, 4 nays; passed the House, May 3, 1935, by a vote of 102 yeas, 30 nays.]

Filed in the Department of State, May 13, 1935, without the Governor's signature.